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**Attorney for Plaintiffs, DAVID J. LEE and
DANIEL R. LLOYD**

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID J. LEE, an individual and, on behalf of others similarly situated,

Case No.: C-07-4599 - MHP

CLASS ACTION

**(Assigned to the Honorable Marilyn H.
Patel)**

**STIPULATION AND [PROPOSED]
ORDER TO CHANGE THE DATE OF
THE INITIAL CASE MANAGEMENT
CONFERENCE**

Action filed: September 5, 2007

CAPITAL ONE BANK and CAPITAL ONE SERVICES, INC., Virginia corporations, DOES 1 through 100, inclusive.

Defendants.

1 WHEREAS, the Initial Case Management Conference is currently scheduled for Monday,
2 December 10, 2007;

3
4 WHEREAS, Plaintiff's counsel will be in San Francisco on Tuesday, December 4, 2007
5 to attend and participate in the hearing on a Motion to Dismiss in the Lee, et al. v. Chase
6 Manhattan Bank, docket number C 07-4732 (MJJ);

7 WHEREAS, it would otherwise be necessary for Plaintiff's counsel to make a special
8 trip to San Francisco to attend and participate in the currently scheduled December 10, 2007
9 Initial Case Management Conference, Plaintiff's counsel wishes to move-up the aforementioned
10 Conference to Tuesday, December 4, 2007 at 2:00 p.m.

11 WHEREAS, this Stipulation has been made in good faith and without purpose of delay;
12 All necessary filings will be timely made based upon the revised date.

13 IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through
14 their respective counsel of record, that Case Management Conference, currently scheduled for
15 Monday, December 10, 2007 shall be re-scheduled for Tuesday, December 4, 2007 at 2:00 p.m.
16 in Courtroom 15, 18th Floor, of the San Francisco Federal Courthouse. Furthermore, the Parties'
17 Joint F.R.C.P. 26 Statement shall now be due no later than Tuesday, November 27, 2007.
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1 Dated: November 6, 2007

MORRISON & FOERSTER
JAMES B. MCGUIRE

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3 By: _____ /S/
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5 James R. McGuire
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7 Attorney for Defendants
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10 CAPITAL ONE BANK AND
11 CAPITAL ONE SERVICES, INC.
12

Dated: November 6, 2007

13 HALE & ASSOCIATES
14 MATTHEW S. HALE
15

16 By: _____ /S/
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18 Matthew S. Hale
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20 Attorney for Plaintiff
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22 DAVID J. LEE
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24 **IT IS SO ORDERED.**
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26 By: _____
27 The Honorable
28 Marilyn H. Patel
U.S. District Court Judge

Dated: November ___, 2007

San Francisco, California